

Submission by the National Human Rights Commission of Korea to the UN Special Rapporteur on Human Rights of Migrants

28 January 2024

The National Human Rights Commission of Korea(NHRCK) is submitting below information to the UN Special Rapporteur on Human Rights of Migrants for his report to the 56th Session of the UN Human Rights Council on revisiting migrants' contributions from a human rights-based approach: a discussion on facilitating and hindering factors.

- 1. Please provide examples of migrants' contributions to various sectors of society and any relevant statistical or disaggregated data based on age, gender, disability, ethnicity, religion, sexual orientation and gender identity, migration status, or other categories.**

Statistics on migrants in the Republic of Korea are compiled in various forms by different administrative agencies. According to the "2023 Immigrant Status and Employment Survey Results" published in December 2023 by the National Statistical Office and the Ministry of Justice, there are 923,000 employed foreigners, more than 80,000 from the previous year. (There are 1.43 million resident foreigners aged 15 and over, with an economic participation rate of 68.2 per cent, 975,000 economically active individuals)

According to the Immigration and Foreigner Policy Statistics of December 2023, there are 2,507,584 foreigners living in the Republic of Korea. This does not include numbers of undocumented migrants which estimates 423,675 individuals. Based on this calculation, around 1.5 million people are employed foreigners in the Republic of Korea.

Migrants play a prominent role as labour force in various industries in South Korea, which has a significant positive impact on its economy. Also, migration has recently been highlighted as one of the solutions to the country's declining birth rate.

Migrant workers are becoming the industrial work force in various fields. These include, but not limited to, manufacturing, construction, agriculture and fishing, service industry, catering, shipbuilding and forestry. Their participation stimulated domestic economic growth.

- 2. What positive measures are taken by States at the local, national, regional and international levels that facilitate, maximise and optimise migrants, their families and**

communities' contributions in origin, transit and receiving societies? Please provide details, which may include, but are not limited to, development and/or implementation of legislative, policymaking, and institutional frameworks; regularization mechanisms and integration programs; social integration and social cohesion efforts; material and/or financial support; recruitment opportunities, education and/or training; access to health, social welfare, justice and reparation.

South Korea's policy on foreigners is administered by three committees under the Prime Minister's Office (Foreigner Policy Committee, Multicultural Family Policy Committee, and Foreign Workforce Policy Committee); the central government, local governments, and the private sector (designed to be a partnership of NGOs, migrant communities, and sponsoring organisations such as cooperation); and executive agencies (including the Social Integration Programme Operator, Multicultural Family Support Centre, Foreigners' Rights Centre, and Foreigners' Welfare Centre).

As of January 2024, 382 organisations provide social integration programmes for immigrants in South Korea, including Korean language, Korean culture, and understanding of Korean society. 230 multicultural family support centres nationwide provide Korean language education for married immigrants as well.

Since 2008, the Government designated May 20 as Together Day, and a week from that day has been designated as Together Week to hold cultural events. Since 2012, the 'Rainbow Bridge Project' has been promoting interaction among members of society with diverse cultural backgrounds and raising awareness of cultural diversity among the public. The Government also supports the Migrants' Arirang Multicultural Festival (MAMF), a nationwide migrant festival, to promote cultural exchanges between migrants and nationals.

The Foreigners' General Information Centre (1345) provides all foreigners with various living information and immigration-related consultations over the phone in 20 languages. From March 2019, the Government launched a third-party interpreter service with law enforcement agencies to support investigations and trials for foreign victims of crime

3. What positive measures are implemented by civil society organisations and non-governmental stakeholders in maximising and optimising migrants' contributions? If so, please provide details.

As there are many forms of labour migration, civil society organisations play a wide range of roles for migrants, including labour counselling, Korean language training, and support for

human rights violations.

Local civil society organisations are also undertaking various initiatives to strengthen the participation and capacity of migrants in their communities, such as running competitions to identify community leaders who have a positive impact on social integration and raising awareness on migrants, and appointing migrant representatives to policy committees.

4. What obstacles are there in law and practice which hinder the realisation and/or recognition of migrants' contributions in communities of origin, transit and destination? Please provide details, which may include, but are not limited to, development and/or implementation of legislative, policy and institutional frameworks as well as public discourse.

South Korea's foreign labour introduction policy is based on the short-term rotation principle (no settlement), and the period of stay in Korea was initially set at 4 years and 10 and then extended once to 9 years and 8 months, according to the 'Act on Employment of Foreign Workers'. In reality, many migrant workers stayed in South Korea for a long period of time, but family reunification such as inviting family members has not been possible, and social welfare service systems such as medical care and education have not been available or limited. In particular, due to the principle of no change of workplace, there is a risk of forced labour because it is impossible to leave the workplace even in non-payment of wages, poor working and living conditions

The 'Multicultural Family Support Act' has been enacted due to the increase in international marriages since 2000, and multicultural policies have been implemented, but the scope is narrowly limited to families consisting of a South Korean national and a foreign spouse, and the focus is on support policies that are not based on social integration and diversity, which hinders their contributions and recognition as members of society.

5. How effective are existing mechanisms used by migrants and their families in overcoming hindering factors that they are subjected to?

While it is positive that the Government has formulated and implemented a mid- to long-term national plan and legislation to implement a foreigner and multicultural policy since 2007 as well as establishing a support infrastructure nationwide, there are concerns about whether these institutions and infrastructure actually contribute to the protection and promotion of migrants' human rights.

According to the NHRCK's survey in 2017, migrants were asked about their awareness of the following policies: respondents do not know about such policies nor never used it ① Medical support system by the Ministry of Health and Welfare 7.8%; ② Free primary and secondary education 9.2%; ③ Relief programme by the Employment and Labour Administration 24.1%; ④ Internet multilingual information service 25.5%.

In the survey, "difficulty in understanding the language(71.8%)" was the highest among the difficulties in using government services and "service providers are far away" was the highest among respondents living in Gangwon Province(66.7%), compared to 9.5% in the Seoul metropolitan area. There was a big regional difference

In the 2019, the NHRCK conducted survey on the alleged perpetrators of racial discrimination (338 migrant respondents) and found that a high proportion of migrants reported being discriminated against by public institutions and their employees.

6. How can we raise awareness, rethink and change the way migration is spoken about, especially when harmful narratives on migration are inserted into the public discourse and politicised?

Media reports and internet surveys confirm that the widespread existence of organised and politicised groups are inciting racism, creating and disseminating xenophobic discourse online and offline.

According to the 2022 NHRCK survey (16,148 respondents), 36.2% of respondents agreed that "the human rights of migrants are respected", 54.1% agreed that "I think our society has a hateful or discriminatory attitude towards migrants", 58.8% agreed that "I would be happy to have migrant as family member", 66.2% agreed that "I think migrants are accepted as members of my society", and 71.9% agreed that "I would be happy to have migrants as my neighbours".

Among those, 1,983 respondents who have migrants acquaintances (85.6% neighbours, 75.0% members of society, 72.6% married to relatives) express more positive attitude towards migrants. Based on this, there is a need to implement policies that promote social participation, media channels, etc. on migrants in order to increase the visibility of members of society with different backgrounds and to promote knowledge and understanding of cultural diversity.

Raise awareness of racist hate speech and its harmful effects should be mandatory in formal

education and civic affairs, and strengthen training for those who are particularly influential in social speech, such as lawmakers, politicians, educators, journalists, civil servants, police and lawyers. There is also a need to launch a public campaign to counter fake news that promotes prejudice and hatred by providing evidence-based and objective facts, including statistics, on the contributions of migrants to South Korean society.

7. What practical recommendations would you propose in order to effectively address these ongoing challenges and protect migrants' human rights in origin, transit and host communities?

To ensure that migrants are empowered and that their human rights are improved in practice, the NHRCK suggests 10 guidelines for migration policy are as follows

- Prohibit racism and ensure migrants are treated with equal respect
- Improve migrants' access to relief procedures
- Strengthen fairness in refugee recognition processes and decisions and improve the treatment of refugees
- Guarantee migrants the right to work in fair and favourable conditions
- Improve systems and strengthen supervision of management to promote the human rights of vulnerable migrant workers
- Ensure migrants are not discriminated against in health care
- Ensure non-discriminatory social protection, including protection for migrants in crisis situations
- Ensure the best interests of the child are paramount for migrant children
- Protect the human rights of migrant women and incorporating a gender perspective into migration policy
- Minimise migrant detention and create humanitarian alternatives

8. Contact Details

For further inquiries or information about this submission, please contact:

- Sunyoung Lim, Team Manager, Migration and Human Rights Team, NHRCK, sunsun71@nhrc.go.kr
- Gayoon Baek, Deputy Director, International Human Rights Division, NHRCK, gayoon@nhrc.go.kr